

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**CAPSULE WITH FOAM CONDITIONING FEATURE**

and for which a patent application is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>ARRICK</b>	FIRST NAME <b>Corey</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>New Milford</b>	STATE OR FOREIGN COUNTRY <b>Connecticut</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>
	POST OFFICE ADDRESS	STREET <b>8 Wellsville Avenue</b>	CITY <b>New Milford</b>	STATE OR COUNTRY <b>Connecticut</b>
SIGNATURE OF INVENTOR 201			DATE <i>Nov 25, 2003</i>	
2 0 2	FULL NAME OF INVENTOR	LAST NAME <b>HU</b>	FIRST NAME <b>Ruguo</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>New Milford</b>	STATE OR FOREIGN COUNTRY <b>Connecticut</b>	COUNTRY OF CITIZENSHIP <b>China</b>
	POST OFFICE ADDRESS	STREET <b>11. Concord Way</b>	CITY <b>New Milford</b>	STATE OR COUNTRY <b>Connecticut</b>
SIGNATURE OF INVENTOR 202			DATE	
2 0 3	FULL NAME OF INVENTOR	LAST NAME <b>SCOVILLE</b>	FIRST NAME <b>Eugene</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>New Milford</b>	STATE OR FOREIGN COUNTRY <b>Connecticut</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>
	POST OFFICE ADDRESS	STREET <b>29 Cornwall Drive</b>	CITY <b>New Milford</b>	STATE OR COUNTRY <b>Connecticut</b>
SIGNATURE OF INVENTOR 203			DATE	
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
SIGNATURE OF INVENTOR 204			DATE	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
SIGNATURE OF INVENTOR 205			DATE	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>ARRICK</b>	FIRST NAME <b>Corey</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>New Milford</b>	STATE OR FOREIGN COUNTRY <b>Connecticut</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>
	POST OFFICE ADDRESS	STREET <b>8 Wellsville Avenue</b>	CITY <b>New Milford</b>	STATE OR COUNTRY <b>Connecticut</b>
SIGNATURE OF INVENTOR 201				DATE
2 0 2	FULL NAME OF INVENTOR	LAST NAME <b>HU</b>	FIRST NAME <b>Ruguo</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>New Milford</b>	STATE OR FOREIGN COUNTRY <b>Connecticut</b>	COUNTRY OF CITIZENSHIP <b>China</b>
	POST OFFICE ADDRESS	STREET <b>11 Concord Way</b>	CITY <b>New Milford</b>	STATE OR COUNTRY <b>Connecticut</b>
SIGNATURE OF INVENTOR 202				DATE <i>Ruguo Hu</i> <i>11/20/2003</i>
2 0 3	FULL NAME OF INVENTOR	LAST NAME <b>SCOVILLE</b>	FIRST NAME <b>Eugene</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>New Milford</b>	STATE OR FOREIGN COUNTRY <b>Connecticut</b>	COUNTRY OF CITIZENSHIP <b>United States of America</b>
	POST OFFICE ADDRESS	STREET <b>29 Cornwall Drive</b>	CITY <b>New Milford</b>	STATE OR COUNTRY <b>Connecticut</b>
SIGNATURE OF INVENTOR 203				DATE <i>Eugene Scoville</i> <i>11/20/03</i>
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
SIGNATURE OF INVENTOR 204				DATE
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
SIGNATURE OF INVENTOR 205				DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Corey ARRICK *et al.*

Confirmation No.:

Application No.:

Group Art Unit:

Filing Date:

Examiner:

For: CAPSULE WITH FOAM CONDITIONING  
FEATURE

Attorney Docket No.: 88265-7511

**POWER OF ATTORNEY BY ASSIGNEE**  
**AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

**MS PATENT APPLICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached.

The undersigned has reviewed this assignment and, to the best of her knowledge, title is in the assignee seeking to take action in this application and that she is empowered to act on its behalf.

ASSIGNEE: NESTEC S.A.

Signature: 

Date of Signature: 21. 11. 03

Typed Name: Paula Nelson

Position>Title: Vice President

Address: Avenue Nestlé 55

1800 Vevey, Switzerland

ASSIGNMENT

COPY

WHEREAS, each of

**Corey ARRICK**, a citizen of the United States of America,  
residing at 8 Wellsville Avenue, New Milford, Connecticut 06776;

**Runguo HU**, a citizen of China, residing at 11 Concord Way,  
New Milford, Connecticut 06776; and

**Eugene SCOVILLE**, a citizen of the United States of America,  
residing at 29 Cornwall Drive, New Milford, Connecticut 06776,

ASSIGNOR, is an inventor of the invention in **CAPSULE WITH FOAM CONDITIONING FEATURE**, for which an application for a Patent of the United States, identified by Winston & Strawn Docket No. 88265-7511, is executed on even date herewith.

WHEREAS, NESTEC S.A., a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining each inventor's entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, his or her entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to

the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to convey the entire interest herein assigned, and that he or she has not executed, and will not execute, any agreement in conflict therewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to him or her respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed his or her signature.

Nov 24, 2003  
Date

  
Corey ARRICK

On this 24<sup>th</sup> day of November, 2003, before me personally appeared Corey ARRICK, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

  
Witness

11/20/2003

Date

Ruguo Hu  
Ruguo HU

STATE OF Connecticut )  
COUNTY OF Litchfield )ss.

New Milford

On this 20<sup>th</sup> day of November, 2003, before me, a Notary Public, personally appeared Ruguo HU, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

MARGARET N. KASWER  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES DEC. 31, 2004

Margaret N. Kaswer  
Notary Public

My Commission Expires

11/20/03

Date

Eugene Scoville  
Eugene SCOVILLE

STATE OF Connecticut )  
COUNTY OF Litchfield )ss.

New Milford

On this 20<sup>th</sup> day of November, 2003, before me, a Notary Public, personally appeared Eugene SCOVILLE, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

MARGARET N. KASWER  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES DEC. 31, 2004

Margaret N. Kaswer  
Notary Public

My Commission Expires